

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW D. FALLON,

Plaintiff,

v.

ACCORD XPRESS, INC., et al.,

Defendants.

Case No. 1:22-cv-01086-ADA-SAB

**ORDER REQUIRING PLAINTIFF TO FILE
STATUS REPORT ON SERVICE AND
READINESS FOR SCHEDULING
CONFERENCE**

SEVEN DAY DEADLINE

Plaintiff filed this action on August 25, 2022. (ECF No. 1.) On November 4, 2022, the Court ordered Plaintiff to file a status report on service and readiness for the scheduling conference. (ECF No. 4.) Plaintiff requested an extension of time to complete service, which the Court granted. (ECF Nos. 5, 6.) The Court extended the service deadline to December 23, 2022, and continued the scheduling conference to January 31, 2023. (ECF No. 6.) To date, however, Plaintiff has not returned service documents.

Rule 4(m) provides that “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.* The order setting the scheduling conference in this matter additionally provides that: “plaintiff shall diligently pursue service of the summons

1 and complaint and dismiss those defendants against whom the plaintiff will not pursue claims ...
2 [and] plaintiff shall promptly file proofs of service of the summons and complaint so the Court
3 has a record of service.” (ECF No. 3 at 1.)

4 Accordingly, IT IS HEREBY ORDERED that within seven days of entry of this order,
5 Plaintiff shall file a notice of the status of service on the Defendants in this action and whether
6 the scheduling conference should be continued for an appropriate time. Plaintiff is advised that
7 failure to comply with this order may result in the issuance of sanctions, up to and including
8 dismissal of this action.

9
10 IT IS SO ORDERED.

11 Dated: **December 28, 2022**


UNITED STATES MAGISTRATE JUDGE